Department of [illegible]

OFFICE [illegible]

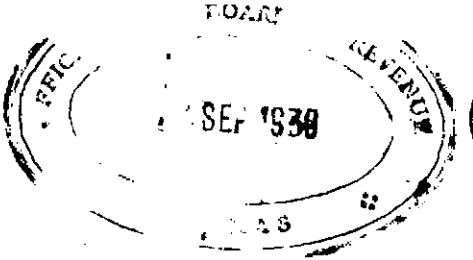
STATION [illegible]

	No. 356
	Dated 3.12.0

the file

(SUBJECT.)

[illegible]



44873

Development Department

Endorsement No.24241 II/39-1, dated 9th September 1939.

Read:-

From Sri S.S.Guzdar, Mines Owner, dated 24th August 193

Referred to the Board of Revenue for report.

P. Ramakrishna Iyer,

Under Secretary to Governme

To the Board of Revenue.

FORWARDED
(By Order)

Superintendent.

94373/3

S. S. GUZDAR.
Proprietor of
Mines. Chrysotilettic Mineral Powder etc.

226, Bow Bazar Street,
Calcutta, (India) ~~193~~.

Cuddapah,
24th, August, 1939

From

Sri.S.S.Guzdar,

Mines Owner,
226, Bow Bazaar, C A L C U T T A.

To

The Chief Secretary,
to His Excellency the Governor-in-Council,
Fort St.George, M A D R A S.

Through
The Collector,
B E L L A R Y.

and
The Secretary,
Board of Revenue, M A D R A S.

May it please His Excellency,

District – Bellary

Sub:- Mining-Red Oxide of Iron-Bellary Taluk-Haragandona Village-S.No.276 part-117 Acres S.No.311 Part-112 Acres- Hospet Taluk-Tumati village-S.No.326-Part- 3 Acres-Tanikamatta village – 3-Mining Lease-30 Years- Appeal- Submission of-

(J)

Ref:- 1. B.P. No.1519 M.S. dated 30-5-38 communicated in Bellary Collector's M.L.A. 1/38 d/ 6-6-38
(C) 2. Bellary Collector's D.Dis. 2745-38 d/19-12-38
(D) 3. Bellary Collector's L.Dis.No.2987-39 d/ 19-7-39 communicating the proceedings of D.Dis. M.L.A. 1/36 dated 5-1-39.

The humble petition of Sri, S.S.Guzdar, 226, Bow Bazar, Calcutta, most humbly and respectfully showeth:-

The petitioner is doing mining business for the past 30 years and has sent his authorised agent, G.M.Salaruddin of Calcutta, in 1929 since which time he is doing mining business in the Madras Presidency by securing plots after due protracted investingations at the expenses of high magnitude amounting to about six lakhs of rupees.

The soul of the human body of mining business is priority of right to which if due consideration is not paid mining business is dead. As regards the priority of right Rule 42, Part III, Chapter VI, of the Madras Mining Manual, specifically shows that the prior right to the concession be deemed to be ~~with the prior right to the concession be deemed to be~~ with the applicant possessing a valid certificate of approval and after compliance with the proceedure prescribed by the rules in the form in Appendix VI in Chapter VIII, shall have been the first to file his application with the Collector.

In securing the plots on exhaustive expenses and inexplicable difficulties, for nearly 1½ years, his agent at last, found the mineral, Red Oxide of Iron, in Bellary Taluk. After carrying out preliminary experiments for deposit, analysis, and associated examinations, the petitioner, after due satisfaction with the mineral, ordered his agent to submit a mining lease application in the prescribed form as per rules which he did so on 23-6-36, to the Collector, Bellary, for the plots in S.Nos. 276 and 311 of Haragandona, 326 of Janikunta and 3 of Tumati villages of Bellary and Hospet Taluks respectively of Bellary District.

The petitioner, in obedience to Ref.No.A1-1-36 dated 7-7-36, credited the security deposit of Rs60/- for demarcating, surveying and mapping charges for the plots whose survey took place for about 15 days and was finished by 20-10-36 with the utmost difficulties.

Subsequently the solicitor's fee of Rs50/- for the scrutiny of the deed and Rs.25/- towards printing charges were also called for which were also credited.

Finally orders were issued in Ref. M.L.A. 1/38 dated 6-6-38 to the effect that the Board in its proceedings No.1519 M.S. dated 30-5-38 has approved the draft mining lease and the grant of mining lease sanctioned in B.P.MISC. 7 dated 3-1-38.

Preliminary activities for development of the business with a considerable expenditure began for commencement of work for export of the mineral and so reminders requesting early orders for registration began to run for a period of nearly a year when a shock of thunder cancelling the rights of the petitioner was issued in Collector's Rei. No. D.Dis. 2745/38 dated 19-12-38.

In this connection the petitioner submits that after complying with all the orders of the collector, Bellary, issued from time to time with considerably a large amount of expenditure for a period of four years, he received orders of Injustice though he has priority of right.

It is not understandable how the Board has cancelled his lease though it was originally sanctioned to him and granted the same to Mr. V.Rangaswami Chetty of Tadpatri, who has no right at all to prefer even an appeal after such along period and what he was doing from the beginning.

Wherefore the petitioner humbly prays His Excellency will be pleased to personally peruse the records concerned and pass orders of Justice.

For which act of His Excellency's kindness, the petitioner ever prays,

He begs to remain,
His Excellency's
Most obedient servant,
G. M. Salaruddin
24-8-39
For Sri, S.S.Guzdar, Calcutta

Address.
G.M.Salaruddin,
Authorised Agent of
S.S.Guzdar Esq., Calcutta.
Gandla Street, C U D D A P A H.

Copy submitted direct to the Chief Secretary to His Excellency to the Governor in Council, Fort.St.George, M A D R A S, for favour of early information and necessary action.

Mining lease – Red Oxide – Bellary
Bellary taluk – S. No. 326 of Jamikun
and S. No. 276 of Haraganadona Uges-
Guzdar, Sni. S.S – Cancelled – Appea

Ce. 27/9
Ce. 12/10

MR
S.R 29/9.

-2 OCT 1939

Read,

Endt from Govt. ~~24~~ Dev. deptt
No. 24241-II/39-1 dy 9-9-39 A
with enc
Mn 1-7c

Ref. D. No. 4373/39-1 dy 22-9-39
Forwarded to the Colr
of Bellary for report.

29.9.39 60 29/9/39 hab 29/9

To the Colr. of Bellary

Colr
26/9/39

29/9

11

Revenue DEPARTMENT.

In reply, please quote number, date and short title.*

Received ____ *Registered* J4452

From (Name) A.D. Crombie Esq., C.I.E., I.C.S.,

(Designation) Collector

Post Box ____, (Station) Bellary,

Telegraphic Address ____

BOARD OF THE [illegible] OF REVENUE
19 SEP 1939
MADRAS

To

The Secretary to the Board of Revenue,

Madras.

I.C. 57

R O C *No.* 3886/39 A-1, *dated* 16-9-1939

Sir,

ENCLOSURES Sent separately

SPARE COPIES Required Nos.

Mining lease - red oxide - Bellary taluk - Janikunta village - S. No. 326 - Hargandona village - S. No. 276 - and Hospet taluk - Tumti village S. No. 3 - appeal petition of Sri S.S. Guzdar dated 24-8-1939 - submitted.

--- pp 15-21 C7

I enclose the appeal petition of Sri S.S. Guzdar which was received in this office on 26th August 1939. As it was not properly stamped ~~xxx~~ the required stamp was obtained and affixed to the appeal petition on 14-9-1939. The following relevant records are enclosed.

1. D.Dis. M L A 1/36 dated 5-1-1939. (R)
2. D.Dis.C. 2745/38 dated 19-12-1938. (C)
3. L.Dis.C. 2987/39 dated 19-7-1939. (J)

pp 55-56 of the Manual

2. Under the note to 4 A of the mining rules - Chapter VI of the Madras Mining Manual, the appeal is time barred.

K. Abdul Khan
18.9.39

P.S. 18/9.

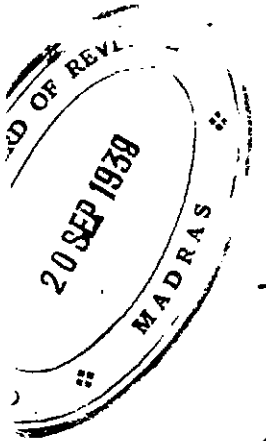
For Collector.

18.9

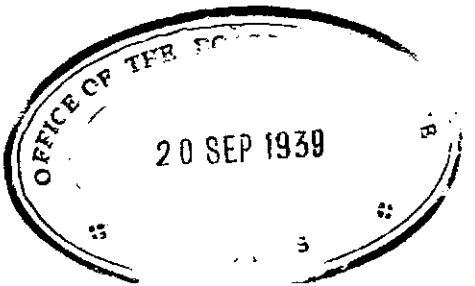
List of enclosures. to Bellary Collector C 2886/39 A1
d. 16.9.39.

---

1. Appeal petition.
2. D.Dis. M L A 1/36 dated 5-1-39. (R)
3. D.Dis.C. 2745/38 dated 19-12-38. (C)
4. L.Dis.C. 2987/39 dated 19-7-39. (D)



R. P118
L9



Revenue DEPARTMENT.

Please quote number, date and short title.*

Received *Registered* 4795

From (Name) A.D. Crombie Esquire., C.I.E.,I.C.S..

(Designation) Collector,

Post Box , (Station) Bellary.

Telegraphic Address

BOARD OF REVENUE
6-OCT 1939
MADRAS

To

The Secretary to the Board of Revenue
Madras.

Ref.C. *No.* 3886/39 A1, *dated* 4th October 1939

Sir,

Mining Lease - Red oxide Bellary Taluk S.No. 326 of Janikunta and S.No. 276 of Harganadona villages - Guzdar Sri. S.S. cancelled-appeal - report submitted.

Board's Ref.C. 1 No. 4373/39-1 dated 22-9-39

I have already submitted my report in the matter with this office R.O.C. 3886/39-A1 dated 16-9-39 with all the relevant records..

For Collector.

RK/5-x

ENCLOSURES

SPARE COPIES

(SVR) 17

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying	16/11	22/11
When copied		AR 23/11
When examined		
When signed	22/11	
When despatched.		

DESPATCHED 21 NOV 1939

SUBJECT:— Mining - Lease - Red oxide - (Bellary). Bellary tk - Sfno 326 of Jami kunta village and Sfno 276 of Hara ganadana village - Gurdar (Sri) S.S - petition.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

No. _____ From the _____, No. _____, dated _____ 19____.

21C7 " 14452/39 Cltr of Bellary Roc 3886·39·A-1 dy 16.9.39 " 19____. R

" _____ " _____ " _____ " _____ 19____.

Order / Resolution — Ms. / Rout. No. _____, dated Ref 14373/39-2 dy 22.11.1939.

p17c7 of (IV)

p25-c7 of (M)

p within (A) at p15c7

In BP misc 7 dy 3.1.38, Sri S.S. Gurdar was granted a mining lease over Sfno 276 of Hara ganadana and Sfno 326 of Jami Kunta in villages of the Bellary taluk, Bellary dist and this BP was cancelled in BP misc 32446 dy 5.12.38. But in the subject heading of the petition from Sri S.S. Gurdar submitted with the Cltr's letter cited above, Sfno 311 (part) of Hara ganadana village and Sfno 3 of Tumak village are found quoted. The Cltr is requested to reconcile the discrepancy and also to send

for reference and return the
draft lease approved by the Board
along with the sketches.

EPR
29-11-39 20/11/39

Rel

21.4.7

urance Notices see reverse.
ffixed except in case of uninsured
not exceeding 2½ tolas or one
n weight or on which no ac-
gment is due.

Rs.

Date

CHEPAUK
27 NOV 39
BCP.No.

* Write here "letter," "postcard," "packet," or "p
Receiving Officer, with the word "Insured" before it when necessary.
nsured for Re

(in words)

As. Weight (in words). Rates Tolas

the Collr of Bellary with Th
petition and enclosu
Tahsildar returned with
) and (R) reply.
Relevant

Records.
R.P112

Revenue DEPARTMENT.

9569

In reply, please quote number, date and short title.*

*Received*_____ *Registered*_____

From (Name) A.D. Crombie Esquire., C.I.E.,I.C.S.,

(Designation) Collector,

Post Box_____, (Station) Bellary.,

Telegraphic Address _____

THE BOARD OF REVENUE
13 DEC 1939
MADRAS

To

The Secretary to the Board of Revenue,
Madras.

Ref.C. *No.* 3886/39 A1, *dated* 9th December 1939.

Sir,

* Mining lease - red oxide - Bellary Taluk Janikunta village S.No. 326 and Haraganadona village S.No. 276 - Guzdar Sri.S.S. petition

Board's Ref. I. No. 4373/39-2 dated 22-11-39.

ENCLOSURES_____
Records by Regd Post.

FAIR COPIES_____

I enclose this office (1) D.Dis. M.L.A.1/36 dated 5-1-39 (2) D.Dis.C. 2745/38 dated 19-12-38 and (3) L.Dis.C. 2987/39 dated 19-7-39.

2. The draft lease as approved by the Board in its Proceedings B.P. Mis.No. 1519 dated 30-5-38 is at pages 167 to 167 (f) of the file D.Dis. M.L.A 1/36 dated 5-1-39. The lease was granted to the appellant in B.P. Mis. 7 dated ~~31-1938~~ 3.1.1938 over S.No. 276 of Haraganadona village and S.No. 326 of Janikunta village. The appellant has erroneously included in the preamble of his petition, S. No. 311 of Haraganadona and S.No.3 of Tumti. which form the boundaries of S.No. 326 of Janikunta village.

The appeal petition of Sri. S.S. Guzdar is enclosed.

11.12.38

RK/11-12

For Collector.

(C.A.H)

21

Mining - Lease - Red oxide - (Bellary Bellary tk - SNo 276 of Hanagund village and SNo 326 of Janikunta village. Cancellation - petition from Sri: S.S. Gurdas

DESPATCHED
3 0JAN 1940

p 1 Cf. D 4373/39 from the Govt Dev Dept Govt No 24241-II/31-1 Dev Dt 9.4.39.

p 1(c) D 4452/39 from The Chief Secretary R.O.C. 3886.39.A.1 Dt 16.9.39

p 27 D/1 D 5769/39 -do- Dt - Dt 7.12.39

Letter 26/1 Ref D 4378/39.3 Dt 26-1-40.

With reference to their Govt cited above, the Board invites the attention of the Govt to the correspondence ending with GO No MS 2871 Dev Dt 16.11.38. In pursuance of the orders in paragraph 2 of the G.O the Board cancelled its proceedings Misc 7 Dt 3.1.38 sanctioning the grant of the lease to Sri: S.S. Gurdas ~~of SNo 326 of Janikunta village and SNo 276~~

p 23-24 Cf (III)

p 23 Cf (IV)

(IV)

~~of Harapanadona village in Tn Belo~~

2). The Board also submits that S.No 311 of Harapanadona vill and S.No 3 of Tumati village men in the subject heading of the pet were not leased out to the pet and that they form only the boundar of S.No 326 of Tamikunta villag

PR 1 TWO 25/11/60

To the Secretary to the Govt Dev Dept with a petition.

Tehsildar 24/11/60

Pp 15-21 attached

The Tehsildar

23.

C.F. 32 (a).

Revenue DEPARTMENT.

In reply, please quote number, date and short title.*

Received ..... *Registered* 9 1246

From (Name) A.D. Crombie Esq., C.I.E., I.C.S.,

(Designation) Collector

Post Box ....., (STATION) Bellary

Telegraphic Address .....

OF THE BO
8-MAR1940

To

The Secretary to the Board of Revenue,

Madras.

R O C No.3886/39 A-1, *dated* 5-3- *193* 40

Sir,

ENCLOSURES ..... Janikunta village - S. No. 326 and Hargondona village -S. No. 276 - Guzar S.N. - petition.

Board's Ref. No. 4373/39-2 dated 22-11-39.
This office R O C 3886/39 A-1 dated 9-12-39

SPARE COPIES .....

I invite your attention to the reference quoted above and request to be informed of the orders, if any, passed by the Board in the matter.

6.3.40

For Collector

6/3.

C.P. 32 (a).

DEPARTMENT 21

In reply, please quote number, date and short title.*

Received ..... Registered.....

From (Name)

(Designation)

Post Box....., (STATION).....

Telegraphic Address .....

To

The

No..... , dated..... 193

Sir,

Enclosures.....

Spare Copies.....

25 (C.A.H.)

As(Cell

Mining - decree. Revision. (Bell

Bellary Hc. Tamikuntlachapa,

326 and Hanagundana. village,

Sro 276 - Guntas Rs 15.5 -

petition.

signed 18/3

18 MAR 1940 p23c7

18/3

J 1246/40 From the Court

Bellary Roc 3886.

39-A-1 dy 5.3.40

Ref J 4373/39-4 dy 15-3-40

the Court is informed

that the Khanabhara orders of the

Court are awaited.

18/3

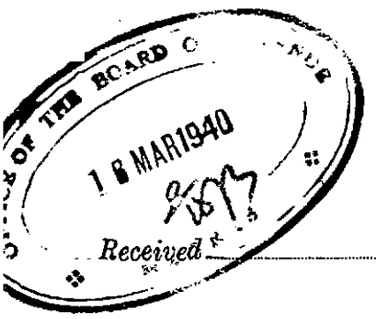
14/3/40

18/3

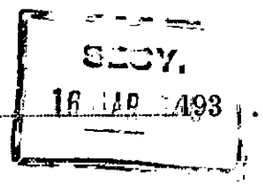
Note Court of Bellary

9 1401

Sectt. 11-15 (a)—31,006—20-12-38.



27



Registered

Abstract.

Mines - Bellary - Red Oxide of iron - Mining lease - Sri S.S.Guzdar of Calcutta - Appeal - Orders passed.

DEVELOPMENT DEPARTMENT.

G.O. No. Ms. 619, dated 14th March 1940.

READ again the following paper:-

G.O. No. 2871 Development, dated 16-11-1938.

Read also the following papers:-

From Salaruddin, Agent of Sri Guzdar, No. Nil, dated 24-8-1939.

To the Board of Revenue, Endorsement No.24241 II/39-1, date 9-9-1939.

From the -do- No. I.4373/39-3, dated 26-1-1940.

ENCLOSURES.

O.

ORDER:-

The appeal is rejected.

(By Order of His Excellency the Governor)

C.P.Karunakara Menon,
Secretary to Government.

To the Board of Revenue.

" G. M. Salaruddin, Agent of Sri S.S.Guzdar of Calcutta, Gandla Street, Cuddapah (with encl.)

(True Copy)
Forwarded.
(By Order)

Superintendent.

G.V.K.

D.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..	30/3/40	[illegible]
When copied ..	30/3/40	VM
When examined..	31/3	[illegible]
When signed ..	1/4	[illegible]
When despatched.		

SUBJECT :— Mining ~ Lease — Red oxide - (Bellary) Bellary Tk. Janikunta village, Sno 326 ~~Gun~~ Haraganadana village, appeal Sno 276 — Gurdan Sri (S.S.) Petition Orders passed. Go Comms.

READ AGAIN _____, dated _____ 19____

" " _____ " _____ 19____

READ *ALSO* :—

No. _____ From the _____, No. _____, dated _____ 19____

proc. " D 4452/39 " Coll of Bellary Roc. 3886-39-A-1 " 19____

proc. " D 5769/39 " do " D " 16-9-39 } —Q 19____

proc. Order / Resolution D 1401/40 Ms. / Rout. No. 856, dated 28-3-40 Govt Sec Dept Govt Ms No 619 Rev dy 14-3-40 —A 19____

Issue 28/3

To Comm. to the Coll of Bellary

EPR 21-3-40

hdr 27/3/40

26/3

To the Coll of Bellary with the records as per list

2nd.

For Insurance Notices see reverse.
Stamps affixed except in case of uninsured letters not exceeding 2½ tolas or one ounce in weight or on which no acknowledgment is due.

No. 183 Rs. 0 1 As. Date-stamp

Received a registered * _____

addressed to _____

_____

_____

_____ * Write here "letter," "postcard," "packet" or "parcel" with the word "Insured" before it when necessary.

Initials of Receiving Officer.

If insured. Insured for Rs. (in figures) _____ (in words) _____

Weight _____ Tolas

Insurance fee Rs. _____ As. _____ (in words). Rates _____

Name and

Mining - Lease - Redoxide - (Bellary) - Bellary taluk. Sfno 276 of Haragandana village. and Sfno 326 of Janikunta village. Cancellation. petition from Sri: S.S. Gursar.

L.O orders obtained] pltr ✓ 4373/39 from the Govt Ores Depot
pltr ✓ 4452/39 from the Coll of Bellary dy 16.9.39
Papers put up pltr ✓ 4725/39 -do- dy 4.x.39

Mis 3446 dy 5/12/38. (M)
Rt 2289 dy 3/6/38 (I)
Mis 1519 dy 30/5/38 (J)
Misc 7 dy 3.1.38 (W)

Notes (Secn)

The Correspondence in the file is for perusal.

2. The facts of the case are as follows:

pp 17-12-37 (W)

In BP misc 7 dy 3.1.38, Sri S.S. Gursar of Calcutta, was granted a mining lease for redoxide for a period of thirty years over an extent of 112 acres in Sfno 326 of Janikunta village and 117 acres of Haragandana village of Bellary taluk. In BP misc 1519 dy 30.5.38, the draft lease deed submd. by the Coll was approved.

pp 5-6-37 dy (J)

On 5.5.38 one Sri: V.P. Rengaswamy Chetty put in an appeal to the Board against the order of the Coll of Bellary rejecting his application for Sfno 326 of Janikunta village. In its proceedings Rt 2289 dy 3.6.38 rejected the appeal on the ground that under note (1) to rule (15) and note to rule (34) in chapter VI of the Madras Mining Manual

application should be made in the prescribed form and that a telegram, on which the appellant based his claim for priority, could not be considered as an application. Against this order of the Board, Sri P. V. Rengaswamy Chetty preferred an appeal to the Govt. The Govt ordered that pending disposal of the appeal, the order granting the lease to Sri S.S. Gurdas should be stayed. The Govt of Bellary was accordingly requested not to grant the lease to Sri S.S. Gurdas. In the disposal of the appeal preferred by Sri Rengaswamy Chetty on the appeal, the Board submitted to the Govt the reasons for which the appeal to them it was rejected. In G.O. No. Ms 2871 Rev dy 16.11.38, the Govt while agreeing with the Board that a telegram cannot be considered a valid application ~~the definition of the application form~~ have set aside the Bd's order rejecting the appellant's petition, and ordered that the appellant should be granted a prospecting licence over the area in question No 2 over S.No 326 of Tanikunta village of the Bellary taluk. The reasons given by the Govt for setting aside the Bd's order are:- (i) the appellant is a local man and appears to possess the requisite mining experience

(ii) Sri S.S. Gurdas to whom the lease was granted by the Board was penalised

pp 3-5 C/F of (M)

p 1 C/F of (M)

p 7 C/F of (M)

pp 17-18 C/F of (M)

pp 23-24 C/F of (M)

by the Board for failure to work the mining concessions satisfactorily in the Cuddapah. With reference to this order of the Govt, BP no. Dt 3.1.38 sanctioning the grant of the lease of Sri S.S. Gurdar was cancelled and the Govt was asked to grant a prospecting licence over the area in question to the appellant (Sri V. P. Ranganatha chetti).

(W)

p25 C7 & (M)

pp15-21 C7

31. The present petition from Sri S.S. Gurdar is with reference to the order of the Govt referred to above. It can therefore be taken to be a petition and not an appeal as has been taken by the Govt, requesting a reconsideration of the order of the Govt and the time limit imposed in note to rule 4A of the Rules in chapter VI of the Mining Manual cannot apply in this case.

pp 55-56 of the Mining Manual

41. The main contention made in the petition is that the petitioner (Sri S.S. Gurdar was the first to file his application for mining lease and that consequently he is entitled the priority of right under rule 42 in chapter VI of the Mining Manual. This contention was already examined and it was for this reason and for the fact that a telegram sent by Sri P.V. Ranganatha Chetti could not be considered to be an applica-

p 17 C7 portion 'A'

p 75 of the Mining Manual

in the prescribed form, the appeal of the latter was rejected by the Board. As however the Govt, by virtue of the discretion vested in them under the note to rule 42, decided the case on different considerations which have been referred to in para 2 above, and as the full facts connected with the case were already before them, the petition received from the Collr may be laid to the Govt inviting their attention to the correspondence ending with Govt No Ms 2871 Rev dy 16.11.38 and adding that with reference to their orders the Board cancelled its proceedings 7 misc dy 3.1.38, sanctioning the grant of the lease to Sri S.S. Gurdas. No special comment seems called for. The Collr also has not offered any remarks on the petition.

For orders.

5/- A minor point which calls for notice relates to an apparently inaccurate statement in the heading of the petition. The petition refers to S No 3 in Tumati village of the Hospet taluk. But BPmis 7 dy 3.1.38 which was cancelled with reference to the orders of the Govt, does not refer to the grant of the lease over this area. This may be pointed out to the Govt. For orders

R
1/11 Dec 31.12.38 Thiru

pllcg of (I)

para 2 at p 23 C of (M)

has pp 15-22 C

pp 23-24 C of (M)

(N)

hd

No further remarks need be made

has

portion (1) at p 15 C

pp 17-18 C of (N)

has

A S. (Sett)

Re para 5 of Note

I have no explanation for the delay. Have this looked into once again & make sure that the previous order relates to the land to which this petition relates Rel 6/11/89

AS (Sett)

To AS (Sett).

Resubmitted.

(R) 2. The Govt's file of this MLA No 1/86 of 5.1.39 dealing with the grant of the lease has been gone through

pp 165 & 171-172 of (R), p 170 of (C) & p 3 of (D)

3. All the Three references quoted by the petitioner in the heading of his petition at p 150 of relate only to the two SNos, viz SNo 276 of Hanaganahalu village and SNo 326 of Janikunta village of the Bellary taluk, Bellary dt, the

p 170 of (W) lease over which was sanctioned in Memo 7 of 3.1.38. But in the Subject heading of the

p 150 petition, the petitioner has, besides these two

ros, grades The Survey Nos viz Sno 211 Bn 1 Hargamadona village of the Bellary taluk and Tumati village Sno 3 of Hospet taluk. The two latter pieces were not leased out to the petitioner as will be seen below

The petitioner first applied to the Collr for a lease over Sno 276 of Hargamadona village and 326 of Tanikunta village. At the time of survey a triangle piece of land in Sno 311 of Hargamadona village was also demarcated including with reference to the demarcation made by the petitioner But this portion was asked to be eliminated in the Collr's ref No M1:1:11-1:36 dt 18:12:36, as the full extent of Sno 311 was applied for by another applicant

As regards Sno 3 of Tumati village of the Hospet taluk, it is submitted that after the submission of the proposals to the Board, it was found that, due to the rectification of incorrect boundary, a portion of Sno 326 of Tanikunta village, applied for by the petitioner lay in Sno 3 of Tumati village. This fact was not reported to the Board subsequently At p 8 ante of (R) it had been noted by the Collr's office, that revised sketches might be sent along with the draft lease deed. But the Collr, when submitting the draft lease deed to the Board for approval, did not refer a

to the discrepancy noticed in S no 326 of Tanikunta village - vide this letter at p 1 c 7 of (J). Even if it was a fact that the revised sketches sent by the Com along with the draft lease deed, showed that a portion of S No 326 of Tanikunta village lay in S No 3 of Tumati village, the discrepancy would have been noticed in this office and noted on at pp 1-5 ante of BP misc 1519 of 30.5.38. But the fact that no mention of this discrepancy had been made in the notes referred to, shows that the Com did not send the revised correct sketches along with the draft lease deed. BP misc 1519 of 30.5.38 approving the draft lease deed makes mention of only the two S Nos 326 of Tanikunta and 276 of Harafanadona villages of the Bellary Dt.

(J)

p 5 c 7 of (J)

In the circumstances it is clear that the present petition relates only to the two S Nos. over which the lease was sanctioned in BP misc of 3.1.38. However to be on the safe side, the Com may be asked to reconcile the discrepancy subject to approval, draft is sent.

pp 17-18 c 7 of (W)

E-PR 17/11 CO 20/11/39 hnv 20/11/39

J.S 21.11.39

M1
TS
Ag/L

D 4373/39 From the Govt accpt
D 4452/39 From the Collr of Bellary dy 16.9.39
D 4725/39
Board's rep no 40/13/39-2 dy 22.11.39
D 5769/39 From the Collr of Bellary dy 9.12.39

Ags (Left)

With their memo at pl cf, the Govt forwarded to the Board for report an appeal petition from Sri S.S. Guzdar against the orders of the Collr of Bellary in para 2 of his D Dis 2745 dy 19.12.38.

2. The facts of the case are as follows:- In BP misc 7 dy 3.1.38, Sri S.S. Guzdar of Calcutta was granted a mining lease for red oxide for a period of 30 years over an extent of 112 acres in S No 326 of Tanikunta village and 117 acres/of Haraganadana village of Bellary Tk the draft lease deed was also approved in BP misc 1519 dy 30.5.38. On 5.5.38 one Sri V.P. Rangaswamy Chetty preferred an appeal to the Board against the order of the Collr of Bellary rejecting his application for S No 326 of Tanikunta village. In BP Rt 2289 dy 3.6.38 the Board rejected the appeal on the ground that under note (1) to rule (15) and note to rule (34) in chapter VI of the Madras Mining Manual, an application should be made

pl cf
pll cf [The previous notes need not be read]
pp 23 cf.
pp 25-26 cf
p. 27 cf Papers put up
(M) BP misc 3446 dy 5.12.38
(I) BP Rt 2289 dy 3.6.38
(J) BP misc 1519 dy 30.5.38
(W) BP misc 7 dy 3.1.38
(R) Collr's D Dis MA 11 dy 5.1.39
(D) Collr's D Dis 2987/39
(C) Collr's D Dis 2745/38

✓ pp 3-7 cf
X pp 17-18 cf of (C)

pp 17-18 cf of (W)

✓ pp 5-6 cf of (J)
X pp 1-3 cf of (I)

para 1 at pll cf of (I)

p 62 of BC 1086
p 71 = Do =

in the prescribed form and that a telegram on which the appellant based his claim for priority could not be considered as an application. Against this order of the Board Sri: V.P. Ranganswamy Chetty preferred an appeal to the Govt. On the appeal to the Govt, the Board reported@ the reasons for which the appeal to it was rejected. In G.O. No Mis 2871 Rev dt 16.4.38, the Govt though agreeing with the Board that a telegram could not be considered a valid applica set aside the Bd's order rejecting the appellant's petition and directed that the appellant should be granted a prospecting licence over S.No 326 of Tanikunta village of the Bellary taluk. The reasons given by the Govt for setting aside the Bd's order are :-

pp 3-5 of (M)

@ pp 17-18 of (M)

p 23 of (M)

(i) The appellant (Sri: V.P. Ranganswamy chetty) is a local man and appears to possess the requisite mining experience

para 2 at p 23 of (M)

(ii) Sri: S.S. Gurdas to whom the lease was granted by the Board, was penalised for failure to work the mining concessions satisfactorily in the Cuddapah dt.

With reference to these orders of the Govt, BP mise 7 dt 3.1.38 sanctioning the grant

pp 17-18 of (W)

of the lease to Sri S.S. Gurdar was cancell
and the Com of Bellary was instructed to
grant a prospecting licence over SDO 326
of Tanikunter village to Sri V.P. Rengaswam
Chetti.

3). The present petition of Sri S.S.
Gurdar is with reference to the orders of th
Govt mentioned above. The main conten
made in the petition is - that he (Sri S.S.
was the first to file his application for a
mining lease and that he has the priority
of right to the grant of a lease under ru
42 in chapter VI of the mining manual. Th
contention was already examined and i
was for this reason and for the fact that
a telegram sent by Sri V.P. Rengaswamy c
could not be considered to be an appli
in the prescribed form, the Board rejected th
appeal of Sri V.P. Rengaswamy chetti. As the
Govt by virtue of the discretion vested in them
under the note to rule (42) decided the ca
on different considerations referred to in
paragraph 2 above and as the full facts
connected with the case were already before
them; the petition received from the Com ma
be submitted to the Govt inviting their
attention to the correspondence ending with
Govt Ms 2871 Rev & 16.11.38 and addin tha

p.15 of Q(1) with reference to their orders The Board cancelled its proceedings 7 misc of 3.1.38 sanctioning the grant of the lease to Sri S.S. Gurdar. No spec comment seems called for and the Com also has not offered any remarks on the petition.

4/- The petitioner, in the subject heading of his petition, has besides the two Sros viz 326 of Tanikunta and 276 of Haragamadona, applied Sro 311-(part) of Haragamadona and Sro 3 of Tumak village. The two latter fields were not leased out to the petitioner - vide draft lease deed approved by the Board at pp 167 to 167(b) of (R The Com also states that they have been erroneously included and that they form the boundaries of Sro 326 of Tanikunta village. This fact may also be pointed out to the Govt.

part 'A' at p15 of

para 2 at p27 of

To be read from (p 8)

BPR 17/1 19-1-40

19/1/40

J S

As (Left)

To As (Left)

Draft Submitted.

BPR 24.1.40 24-1-40

25/1/40

Issued as Bd's ref I 4373/39.3 Dy 26.1.40
I 1401/40 from The Govt Dev. Dept Dy 14.3.40

Tofs (Leb)

Please see the Bd's ref at pp 21-22
and the Qo. at p 27 Qs.

Draft Communicating the Qo to the Col
is for approval.

LW
27/3/40

BDR
21.3.40
2 Encs

B Misc 856 ; Dated 29.3.40

~~Full Board~~

I.A.	A.D.S. and L.R	Assistant Secretary			Jt. Secy	Secy	
		Land Rev.	Settlement.	Sep. Rev.			

1. Open file seen by ✓
2. Final draft seen by ✓
3. Now circulated to
4. Initials. 6/4/40

Passed for record.

~~Secretary~~
Joint Secretary.

~~A.S. (C.W.).~~

~~A.S. (L.R.).~~

A.S. (Sett.). 6/4/40

~~A.S. (Excise).~~

~~A.D.S. & L.R.~~

~~Jt. Secy~~

Note:- Minutes not required to be recorded on